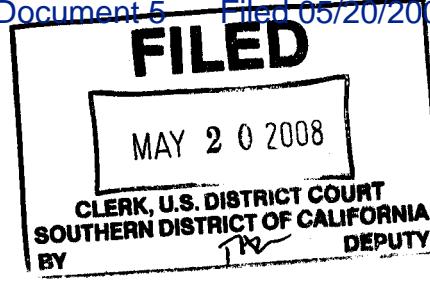


'USA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff:

v.

Uriel HERNANDEZ,

Defendant.

) Magistrate Case No.: 08MJ8441

} COMPLAINT FOR VIOLATION OF

} 21 U.S.C. § 952 and 960
} Importation of a Controlled
} Substance (Felony)

"AMENDED"

The undersigned complainant being duly sworn states:

That on or about May 16, 2008, within the Southern District of California, defendant Uriel HERNANDEZ did knowingly and intentionally import approximately 40.96 kilograms (90.11 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference. *s. A. O. d. M.*

**Special Agent
U. S. Immigration & Customs
Enforcement**

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20TH

DAY OF MAY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Uriel HERNANDEZ

4 STATEMENT OF FACTS

5 The Complaint and Statement of Facts is being amended to include additional
6 packages of marijuana found on May 17, 2008.
7

8 On May 16, 2008, at approximately 1230 hours, Uriel HERNANDEZ applied for entry
9 at the Calexico, California West Port of Entry lane # 9 driving a 1988 Jeep Cherokee with
10 California license plate number 3AVN126. Customs and Border Protection Officer (CBPO)
11 S. Pimentel was assigned primary inspection duties. CBPO Pimentel received a negative
12 oral Customs declaration from HERNANDEZ. While CBPO Pimentel was conducting an
13 inspection of the vehicle, he observed HERNANDEZ watching him through the rear view
14 mirror. CBPO Pimentel referred both HERNANDEZ and the vehicle to the secondary lot
15 for an intensive inspection.

16 At approximately 1240 hours, CBPO J. Becerra was assigned vehicle secondary
17 inspection duties and observed HERNANDEZ driving the Jeep Cherokee. CBPO Becerra
18 approached HERNANDEZ and asked him if he had anything to declare, and he stated he
19 was bringing only potato chips. HERNANDEZ stated he owned the vehicle for
20 approximately five months; however, it was still registered in his friend's name.

21 At approximately 1240 hours, Canine Enforcement Officer (CEO) S. Barela
22 screened the vehicle with his Narcotics Human Detector Dog (NHDD). CEO Barela
23 informed CBPO Becerra that his NHDD had alerted to the vehicle. Upon further inspection
24 of the vehicle, CBPO Becerra discovered a non-factory compartment located in the roof.
25 The compartment was opened and packages were discovered. CBPO Becerra probed a
26 package, and it produced a green leafy substance that tested positive for marijuana. A
27 total of 35 packages of marijuana were extracted from the compartment with a total weight
28 of 37.70 kilograms (82.94 pounds).

29 HERNANDEZ was arrested for violation of Title 21 United States Code 952 and 960,
30 Importation of a Controlled Substance. HERNANDEZ was read his Miranda rights, which

1 he acknowledged and waived. HERNANDEZ stated he knew marijuana was concealed
2 within the vehicle. HERNANDEZ stated he knew it was illegal to import marijuana into the
3 United States. HERNANDEZ stated he was to be paid \$2,500.00 to complete the
4 smuggling operation. HERNANDEZ was processed and transported to the Imperial County
5 Jail.

6 On May 17, 2008, Customs & Border Protection officers discovered three (3)
7 additional packages concealed in the Jeep Cherokee. The packages contained a green
8 leafy substance which field tested positive for the presence of marijuana. The three (3)
9 additional packages contained 3.26 kilograms (7.17 pounds) of marijuana.

10 The total weight of the thirty-eight (38) packages contained 40.96 kilograms (90.11
11 pounds) of marijuana.

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